

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

BRIAN K. BOULB,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

Civil No. 24-cv-2684-JPG
Crim No. 12-cr-40097-JPG

MEMORANDUM AND ORDER

This matter comes before the Court on petitioner Brian K. Boulb's amended motion to vacate, set aside or correct his sentence pursuant to 28 U.S.C. § 2255 (Doc. 7). Boulb was unclear in his original § 2255 motion (Doc. 1) whether he sought to challenge his 2013 conviction in No. 12-cr-40097-JPG or the 2024 revocation of his supervised release in that case. The Court found that any challenge to his 2013 conviction would be an unauthorized successive petition, so it dismissed such claims for lack of jurisdiction.

However, it noted that a challenge to his 2024 revocation sentence would not be so barred. The Court dismissed the claim from the original § 2255 motion as unintelligible and gave Boulb an opportunity to amend his motion to articulate the basis of a challenge. Boulb filed an amended motion setting forth such a challenge (Doc. 7).

Boulb's amended motion, however, violated Federal Rule of Civil Procedure 11(a) because it did not bear the petitioner's signature. The Court notified Boulb of the deficiency, and Clerk's Office sent Boulb a copy of his amended petition to facilitate his simply signing it and returning it to the Court to replace his unsigned document. The Court gave him 21 days from its order noting the deficiency to correct it; the 21-day deadline was March 14, 2025. It further warned Boulb that if he failed to sign and refile the document, the Court would strike his

unsigned document and might dismiss his amended motion pursuant to Federal Rule of Civil Procedure 41(b) for failure to comply with Rule 11(a).

It is now more than three weeks beyond the deadline set by the Court. Boulb did not refile a signed copy of his amended motion or otherwise respond to the Court's order to correct the Rule 11(a) deficiency. Accordingly, as it warned it would, the Court **STRIKES** Boulb's amended motion (Doc. 7) for failure to comply with Rule 11(a) and **DISMISSES without prejudice** any claim attempted to be pled in that document pursuant to Rule 41(b) for failure to comply with Rule 11(a). The Court further **DIRECTS** the Clerk of Court to enter judgment of dismissal without prejudice for lack of jurisdiction of the claims directed at Boulb's 2013 conviction in No. 12-cr-40097-JPG, and to close this case..

IT IS SO ORDERED.

Dated: April 9, 2025

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE